

BRAINTREE BOARD OF HEALTH

MINUTES

September 23, 2014

IN ATTENDANCE: Dr. Philip Nedelman, Chairman
Paula Dowd, R.N., Vice-Chairman
Dr. Arthur Bregoli, Clerk

ALSO PRESENT: Marybeth McGrath, Director of ML & I

Dr. Nedelman called the meeting to order at 7:00 pm.

MINUTES:

Motion By: Dr. Bregoli to approve the meeting minutes of August 21, 2014.
Second By: Mrs. Dowd
Unanimously Voted

OLD BUSINESS:

1) Continued: Review of proposed draft Amended Environmental Tobacco Smoke Regulation

Ms. McGrath reviewed with the Board those specific questions about language items in several sections of the proposed draft Amended Environmental Tobacco Smoke Regulation that were raised at the previous meeting of August 21, 2014, in which she made contact with DJ Wilson, MA Tobacco Control Director to discuss and his subsequent responses to those questions.

The Board was satisfied with the Final proposed draft of the Amended Environmental Tobacco Smoke Regulation, and requested that it be forwarded to the Town Solicitor for review as to legal form.

Motion By: Mrs. Dowd to move the proposed draft regulation forward to the Town Solicitor for review.
Second By: Dr. Bregoli
Unanimously Voted

NEW BUSINESS:

2) Request for Keeping of Chickens permit-154 Tremont Street

Present: Mr. & Mrs. Nick Maimonis, applicant
Kevin Williams, abutter-150 Tremont Street
Tom McBride-43 Azel Road (speaking on behalf of Lorraine Roberts, abutter)
James O'Rourke, Jr., son representing father who is abutter-35 Azel Road
Lorraine Roberts, abutter-37 Azel Road

Ms. McGrath advised the Board that they have within their packets, an application and supporting documentation for a keeping of chickens permit for Mr. and Mrs. Maimonis at 154 Tremont Street. She further advised that the existence of the chickens on this property was brought to the department's attention on September 8, 2014 by a complaint received regarding an abundance of sparrows on this property, as well as the neighborhood from neighbors Tom McBride, Lorraine Roberts and James O'Rourke, Sr. In speaking with the property owners, Mr. and Mrs. Maimonis, they have indicated that the chickens have been there for between one year to one and a half years and there are ten chickens.

Ms. McGrath advised, as per the plot plan within the board packets, that the chicken coop and pen area are located in the far right hand corner of the back yard. The pen is completely screened on the top and sides with a chicken coop structure within where the chickens are housed. She advised that she met with Mrs. Maimonis on September 8, 2014, and was allowed access to the backyard and inspected the chicken coop/pen area. The pen and coop were observed to be very well kept and clean. There was no odor, and no visible food left on the ground. She did observe water for the chickens. There was no noise detected coming from the chickens or coop/pen area.

Ms. McGrath further advised that when she spoke with Mrs. Maimonis on September 8, 2014 and informed her that a permit for the keeping of chickens is required, Mrs. Maimonis advised at that time that she was unaware that a permit was required, but wanted to do whatever was necessary to obtain the permit.

Ms. McGrath also advised that with regard to the complaint about an abundance of sparrows, the resident at 37 Azel Road registered a complaint on August 19, 2014 that the sparrows were nesting in that bushes in the backyard against the rear fence on the Maimonis property that about 37 Azel Road causing a public health nuisance on her property and neighboring properties.

Ms. McGrath advised the Board that she inspected these bushes in the backyard of the Maimonis property and there were no nests or any birds. However, she did advise that the sparrows were in the trees throughout the neighborhood, not just on the Maimonis property and 37 Azel Road.

Mr. and Mrs. Maimonis spoke and advised the Board that they have had the chickens on the property since the spring of 2013, over one year. They advised that they purchased the coop structure and then built the fencing around the structure to create the pen to keep the chickens. The solid posts for the pen have been cemented into the ground with the screening secured, so that animals cannot get into the pen, and the chickens cannot get out. The pen is also screened on top, to completely secure the chickens within. They advised that they have receipts for both the chickens purchased and the coop structure,

which they will forward to the Board. They advised that they were not trying to evade getting a permit, but rather simply did not know that a permit was required.

However, they have submitted an application and necessary documentation, and have reviewed the regulations for the keeping of the chickens and have complied with them in order to obtain a permit.

Kevin L. Williams, a direct abutter who lives at 150 Tremont Street, spoke in favor of the request from Mr. and Mrs. Maimonis for the keeping of chickens permit. He advised the Board that he has had no problems at all with the chickens being on the property at 154 Tremont Street. He advised the Board that he is familiar with the maintenance and upkeep involved in keeping birds, as he keeps racing pigeons on his property.

Tom McBride, a neighbor who lives at 43 Azel Road advised the Board that he is not a direct abutter, but can see the coop located at 154 Tremont Street from his house. He advised that he was speaking before the Board on behalf of Lorraine Roberts, a direct abutter at 37 Azel Road.

Lorraine Roberts acknowledged that Mr. McBride was speaking on her behalf.

Mr. McBride advised the Board that both he and Mrs. Roberts were in opposition to the keeping of the chickens at 154 Tremont Street. He advised the Board in some detail that the chickens are attracting an abundance of sparrows to Mrs. Roberts property, as well as the odor and noise coming from the chickens. He also advised the Board that the chickens have been on the property for two to three months, not over a year, as he said the Maimonis' stated. He said he saw the coop being built. He does not want the chickens there.

Mrs. Maimonis advised that they did not build the coop, but rather purchased it. The pen area with posts and screening was built on-site, in which the coop structure is located within it. She also advised that she has the receipts for the purchases of the chicken coop structure and the chickens which shows the purchases over a year ago.

Ms. McGrath advised the Board that when she was initially on-site at 37 Azel Road in August 2014 to investigate the sparrow concern, both she and Mrs. Roberts walked directly up to the fence separating the Maimonis property and her property. She advised that she had no idea there were chickens on the Maimonis property at that time, and there was no odor or noise at all. Further, Mrs. Roberts never mentioned the existence of chickens on the neighboring property.

Ms. McGrath advised that on September 8, 2014, Mr. McBride, Mrs. Roberts, and James O'Rourke, Sr., a direct abutter from 35 Azel Road came to the Health Department to complaint about the sparrows and at that time mentioned the chickens in the back yard of 154 Tremont Street.

Further discussion ensued between the Board, the applicant's and Mr. McBride about his and Mrs. Roberts opposition to the keeping of the chickens.

Jim O'Rourke, son of James O'Rourke, Sr. who is a direct abutter to 154 Tremont Street advised the Board that he did not live on the family property at 35 Azel Road, his father does and he was unable to attend the Board meeting, so the son was present to represent his father. He advised the Board that he was in opposition to the chickens, as they are attracting an abundance of sparrows in the neighborhood, as well as the terrible noise and odor from them. He does not want the chickens there. He also advised that having pigeons next door has also been problematic with the manure droppings.

Lorraine Roberts, an abutter at 37 Azel Road advised the Board in some detail that she was in opposition to the keeping of the chickens because of the sparrows. She also said that Mrs. Maimonis was lying about how long the chickens have been there. She does not want the chickens there.

Some discussion ensued about this matter between the Board, Mr. & Mrs. Maimonis and the neighbor's in opposition.

Dr. Nedelman advised that the neighbor's have provided him with no proof, nor can he find any correlation between the existence of the chickens on the property at 154 Tremont Street and the sudden presence of an abundance of sparrows in the neighborhood.

Dr. Nedelman inquired with Mr. and Mrs. Maimonis if the chicken coop/pen area can be moved further away from the rear property line and closer to their house.

Mr. Maimonis advised that as per the Keeping of Animals regulations with the Town, that they have met all of the requirements. Further, that the posts for the pen are cemented into the ground. Also, it was a significant monetary investment for them to erect the coop/pen area at its present location. He does not see any other location in the back yard that would be feasible to place the coop/pen area, and if so it would cost a significant amount for them to move it.

Some discussion ensued between the Board and Mr. and Mrs. Maimonis about the relocation of the coop/pen area.

The Board requested that Ms. McGrath contact the direct abutter at 158 Tremont Street about their support or opposition to this request. They also requested that she work with Mr. and Mrs. Maimonis to determine an alternate location on their property to place the coop/pen area.

Motion By: Dr. Bregoli to continue this agenda item to the October 23, 2014 meeting at which time communication will be made with the abutter at 158 Tremont Street, and a relocation plan will be determined for the chicken coop.

Second By: Dr. Bregoli

Motion By: Dr. Bregoli to adjourn the meeting at 8:01 pm.

Second By: Mrs. Dowd